

REMARKS

Applicant, by the amendments presented above and the arguments presented below, has made a concerted effort to present claims which clearly define over the prior art of record, and thus to place this case in condition for allowance. Claims 1-20 are currently pending.

Drawing Amendments

The Examiner objected to the drawings because they did not include reference numerals 51, 90, 92 or 94 therein. As such, the Examiner required corrected drawing sheets to overcome this objection. Applicant has amended FIGS. 1 and 2 to include reference numeral 51 and its corresponding lead lines. Applicant has amended FIG. 5 to include reference numerals 90, 92 and 94 and their corresponding lead lines.

Applicant has attached hereto "Replacement Sheets" for the page of drawings which includes amended Figures 1 and 2, and for the page of drawings which includes original Figure 4 and amended Figure 5. Applicant states that no new matter has been included in the drawings in view of the amendments to Figures 1, 2 and 5.

Specification

Applicant has amended the specification to clarify that the second flange 76 of the bottom rail 40 assists in the connection of the bottom rail 40 to the floor 32, rather than in the connection of the baserail 52 to the floor 32. Applicant states that it is clear from the description and from the drawings that it is the bottom rail 40 which is connected to the floor 32, not the baserail 52, and, therefore, it is clear that the second flange 76 of the bottom rail 40 would assist in the connection of the bottom rail 40 to the floor 32. Applicant states that

no new matter has been added to the specification by the amendment thereto.

Claim Rejections – 35 U.S.C. §112

Claims 5-10 were rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention. Applicant has amended claims 5, 7, 9 and 10 in order to overcome the rejection and in order to provide clear antecedent basis for the claim elements in each of these claims. As such, Applicant respectfully requests reconsideration and allowance of claims 5-10.

Claim Rejections - 35 U.S.C. §102

Claims 1-3 and 17-19 were rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 4,940,279 to Abott et al. Applicant respectfully traverses this rejection in view of the amendment to independent claim 1.

Applicant has amended independent claim 1 in order to further distinguish same from Abott. More specifically, Applicant has amended independent claim 1 to provide that the trailer has front and rear ends and that the bottom rail of the sidewall extends generally from the front end of the trailer to the rear end of the trailer.

Abott does not disclose or suggest that the trailer thereof has a bottom rail which extends generally from a front end of the trailer to the rear end of the trailer. The Examiner has stated that the bottom rail of Abott in Figure 7 is the same as that shown in Figure 9 and labeled as reference numeral 97. According to the specification of Abott, at column 3, lines 33-35, reference numeral 97 identifies the vehicle beam cross frame members. Such cross frame members are well-known in the art. A plurality of these cross frame members are

generally spaced apart from one another and are known to generally span from one side of the trailer to the other side of the trailer, but do not extend generally from a front end of the trailer to a rear end of the trailer. Thus, Abott does not disclose or suggest each and every limitation of amended independent claim 1. Therefore, Applicant respectfully requests reconsideration and allowance of independent claim 1.

As claims 2, 3 and 17-19 are all ultimately dependent on independent claim 1, and because Applicant states that independent claim 1 is now in condition for allowance, Applicant respectfully requests reconsideration and allowance of claims 2, 3 and 17-19.

Claims 1, 3, 15 and 20 were rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 4,357,047 to Katz. Applicant respectfully traverses this rejection in view of the amendment to independent claim 1.

Applicant has amended independent claim 1 in order to further distinguish same from Katz. More specifically, Applicant has amended independent claim 1 to provide that the trailer has front and rear ends and that the bottom rail of the sidewall extends generally from the front end of the trailer to the rear end of the trailer.

Katz does not disclose or suggest that the trailer thereof has a bottom rail which extends generally from a front end of the trailer to the rear end of the trailer. The Examiner has stated that the bottom rail of Katz are those parts labeled as reference numerals 44 and 46, best illustrated in FIG. 2. According to the specification of Katz, at column 2, lines 41-45, reference numeral 46 identifies the transverse I-beams, and reference numeral 44 identifies a sill plate welded to the end of each transverse I-beam 46 and bolted, riveted or welded to the lower end portion of the bottom rail-scaff plate 34. Such transverse I-beams and sill plates are well-known in the art. A plurality of these transverse I-beams are generally spaced apart

from one another and are known to generally span from one side of the trailer to the other side of the trailer, but do not extend generally from a front end of the trailer to a rear end of the trailer. Thus, Katz does not disclose or suggest each and every limitation of amended independent claim 1. Therefore, Applicant respectfully requests reconsideration and allowance of independent claim 1.

As claims 3, 15 and 20 are all ultimately dependent on independent claim 1, and because Applicant states that independent claim 1 is now in condition for allowance, Applicant respectfully requests reconsideration and allowance of claims 3, 15 and 20.

Claim Rejections – 35 U.S.C. §103

Claims 13 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 4,940,279 to Abbott et al.

As claims 13 and 14 are ultimately dependent on independent claim 1, and because Applicant states that independent claim 1 is now in condition for allowance, Applicant respectfully requests reconsideration and allowance of claims 13 and 14.

Claim 16 was rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 4,357,047 to Katz.

As claim 16 is dependent on independent claim 1, and because Applicant states that independent claim 1 is now in condition for allowance, Applicant respectfully requests reconsideration and allowance of claim 16.

Claim Objections

Claims 4, 11 and 12 were objected to as being dependent upon a rejected base claim, but the Examiner indicated that these claims would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

As such, Applicant has amended claim 4 into independent form to include all of the limitations of original dependent claim 4 and original independent claim 1. Applicant, therefore, respectfully requests reconsideration and allowance of new independent claim 4.

As claims 11 and 12 are all ultimately dependent on new independent claim 4, and because Applicant states that new independent claim 4 is in condition for allowance, Applicant respectfully requests reconsideration and allowance of claims 11 and 12.

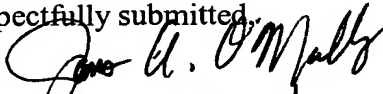

Claims 5-10 were rejected under 35 U.S.C. 112, second paragraph, but the Examiner indicated that these claims would be allowable if rewritten to overcome the rejection and to include all of the limitations of the base claim and any intervening claims.

As explained hereinabove, Applicant has amended claims 5, 7, 9 and 10 in order to overcome the rejection under 35 U.S.C. 112, second paragraph. As claims 5-10 are all ultimately dependent on new independent claim 4, and because Applicant states that new independent claim 4 is in condition for allowance, Applicant respectfully requests reconsideration and allowance of claims 5-10.

In view of the above Amendments and Remarks, Applicant respectfully submits that the claims of the application are allowable over the rejections of the Examiner. Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Date: 4/12/05

Respectfully submitted,

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